Case 1:15-cv-13538-RGS Document 283 Filed 01/26/18 Page 1 of 3 NOTE: The court has reviewed the objections below and has indicated in highlighting and bolded letters the objections that are sustained. Such objections are sustained in their entirety unless noted otherwise (in which case they are sustained only as to certain portions of the deposition in question, as noted). All other objections overruled. /s/ Richard G. Stearns

LIMITED STATES DISTRICT COLUMN

UNITEDSIA	TES DISTRICT COURT
FOR THE DISTRI	CT OF MASSACHUSETTTS O_1 1
58 SWANSEA MALL DRIVE, LLC, Plaintiff,	CT OF MASSACHUSETTTS
riamum,	
v.) Civil Action No. 15-cv-13538-RGS
GATOR SWANSEA PROPERTY, LLC)
Defendant.))
	,

PLAINTIFF'S REQUEST FOR RULINGS ON OBJECTIONS TO DEFENDANT'S COUNTER-DESIGNATIONS AND NOTICE OF COUNTER-COUNTER-DESIGNATIONS OF DEPOSITION TESTIMONY

Plaintiff 58 Swansea Mall Drive, LLC ("58 Swansea") respectfully submits this

(1) request for rulings on objections to the counter-designations made by Defendant Gator

Swansea Property, LLC ("Gator"), and (2) notice of counter-designations, in response to
the counter-designations of Gator, as follows:

Request for Rulings on Objections to Gator's Counter-Designations

58 Swansea has attached, as Exhibits A through D, pertinent pages from the deposition transcripts marking objected-to testimony from Gator's counter-designations and stating the grounds for each objection. 58 Swansea respectfully requests rulings on the following objections:

Deposition of Gabe Wilson / Zurich Representative (objected-to portions attached as <u>Exhibit A)</u>

200:2-201:25 Lacks Foundation, Relevance

Deposition of Robert Richmond / Wakefern Representative (objected-to portions attached as <u>Exhibit B</u>)

39:15-18 Relevance as to Timeframe 40:23-41:7 Relevance as to Timeframe

```
43:10-15 Relevance as to Timeframe
```

56:23-57:4 Relevance as to Timeframe

57:19-58-9 Hearsay

60:17-61:8 Hearsay

64:3-22 Hearsay

65:7-11 Hearsay

Deposition of James Goldsmith (objected-to portions attached as Exhibit C)

189:7-24 Incomplete

194:11 Incomplete

215:5-13 Improper Partial Waiver of Privilege (see 215:14-217:24)

241:24-242:20 Lacks Foundation

244:12-24 Lacks Foundation

Deposition of James Goldsmith / Gator Representative (objected-to portions attached as <u>Exhibit D</u>)

148:11-18 Non-Responsive, Relevance

156:13-24 Non-Responsive, Relevance

294:1-11 Incomplete

Counter-Counter-Designations

By way of counter-designations in response to Gator's counter-designations, 58 Swansea incorporates by reference its own deposition designations filed January 19, 2018 and its own counter-designations filed January 24, 2018, and provides additional counter-counter-designations as follows:

Deposition of Robert Richmond / Wakefern Representative

47:23-48:3

Deposition of James Goldsmith

194:12-22

195:6-202:13

203:12-24

236:6-239:15

247:1-11

^{47:9-20} Relevance as to Timeframe

Deposition of James Goldsmith / Gator Representative

157:9-13 294:12-295:4 295:22-298:16

Respectfully submitted,

58 SWANSEA MALL DRIVE, LLC

By his attorney,

Dated: January 26, 2017 /s/ Peter J. Duffy

Barry S. Pollack (BBO # 642064)
Peter J. Duffy (BBO # 566682)
Pollack Solomon Duffy LLP
101 Huntington Avenue Suite 530

Boston, MA 02199 617-439-9800

Email: pduffy@psdfirm.com

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on January 26, 2018.

/s/ Peter J. Duffy

Peter J. Duffy (BBO # 566682)